

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		10715055	
	Filing Date		2003-11-17	
	First Named Inventor	Gerald Cagle		
	Art Unit	1618		
	Examiner Name	Fay, Zohreh A.		
Attorney Docket Number		007109.00001		

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup> j	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>5</sup>

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	10715055
Filing Date	2003-11-17
First Named Inventor	Gerald Cagle
Art Unit	1618
Examiner Name	Fay, Zohreh A.
Attorney Docket Number	007109.00001

/ZF/	1	PTX0210: O'Doherty et al., Treatment of Acute Exacerbations of Chronic Bronchitis: Comparison of Trovafloxacin and Amoxicillin in a Multicenter, Double-Blind, Double-Dummy Study, Eur. J. Clin. Microbiol. Infect. Dis., 17:441-46 (1998) in -Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	2	PTX0212: Williams and Hopkins, Safety of Trovafloxacin in Treatment of Lower Respiratory Tract Infections, Eur. J. Clin. Microbiol. Infect. Dis., 17:454-58 (1998) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	3	PTX0214: FDA Issues Public Health Advisory on Liver Toxicity Associated with the Antibiotic Trovan in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	4	PTX0215: Chodosh et al., Efficacy and Safety of a 10-Day Course of 400 or 600 Milligrams of Grepafloxacin Once Daily for Treatment of Acute Bacterial Exacerbations of Chronic Bronchitis: Comparison with a 10-Day Course of 500 Milligrams of Ciprofloxacin Twice a Day, Anti. Agents Chem., 42(1):114-20 (1998) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	5	PTX0218: Cormican and Jones, Antimicrobial Activity and Spectrum of LB20304, a Novel Fluoronaphthyridone, Anti. Agents Chem., 41(1):204-11 (1997) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	6	PTX0223: Stass et al., Pharmacokinetics, Safety, and Tolerability of Ascending Single Doses of Moxifloxacin, a New 8-Methoxy Quinolone, Administered to Healthy Subjects, Anti. Agents Chem., 42(8): 2060-65 (1998) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	7	PTX0225: Fass, In Vitro Activity of Bay 12-8039, a New 8-Methoxyquinolone, Anti. Agents Chem., 41(8): 1818-24 (1997) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	8	PTX0228: Donnenfeld, ASCRS White Paper: Management of Infectious Keratitis Following Laser In Situ Keratomileusis, J. Cataract Refract. Surg., 31:2008-11 (2005) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	9	PTX0229: Solomon et al., Special Report, Infectious Keratitis After Laser In Situ Keratomileusis: Results of an ASCRS Survey, J. Cataract Refract. Surg., 29: 2001-06 (2003) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	10	PTX0232: Fraunfelder et al., Fatal Aplastic Anemia Following Topical Administration of Ophthalmic Chloramphenicol, Am. J. Ophthalmol., 93(3):356-60 (1982) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
↓	11	PTX0233: Fraunfelder and Meyer, Systemic Reactions to Ophthalmic Drug Preparations, Medical Toxicology, 2:287-93 (1987) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	10715055
Filing Date	2003-11-17
First Named Inventor	Gerald Cagle
Art Unit	1618
Examiner Name	Fay, Zohreh A.
Attorney Docket Number	007109.00001

/ZF/	12	PTX0242: Thibodeaux et al., Quantitative Comparison of Fluoroquinolone Therapies of Experimental Gram-Negative Bacterial Keratitis, Current Eye Research, 28(5):337-42 (2004) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	13	PTX0243: Aliprandis et al., Comparative Efficacy of Topical Moxifloxacin Versus Ciprofloxacin and Vancomycin in the Treatment of P. aeruginosa and Ciprofloxacin-Resistant MRSA Keratitis in Rabbits, Cornea 24(2):201-05 (2005) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	14	PTX0262: Compound Card for BAY Y6957 (with translation) (BL002-015187) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	15	PTX0264: Compound Card for BAY 12-8039 (with translation) (BL002-016090-016092) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	16	PTX0277-A: Updated Curriculum Vitae of Dr. Eduardo C. Alfonso (BA002-000001-0000055) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	17	PTX0281: Munir et al., Clinical Response of Contact Lens-Associated Fungal Keratitis to Topical Fluoroquinolone Therapy, Cornea 26(5):621-24 (2007) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	18	PTX0282: Alfonso and Miller, Impact of 4th Generation Fluoroquinolones on Growth Rate and Detection Time of Fungal Pathogens, Invest. Ophthalmology and Vis. Science, 46:2766-B319 (2005) (ARVO E-Abstract) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	19	PTX0304: Curriculum Vitae of Dr. Ashim K. Mitra in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	20	PTX0312: Schoenwald and Ward, Relationship between Steroid Permeability across Excised Rabbit Cornea and Octanol-Water Partition Coefficients, J. Pharm. Sci., 67(6):786-88 (1978) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	21	PTX0361: Email from Stroman to Hiddemen and Schlech re: Moxifloxacin Advantages (AL001-006984-006985) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	22	PTX0363: Evaluation of Moxifloxacin HCl [BAY 12-8039] (AL-15469A) (AL003-000163-000279) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	10715055
Filing Date	2003-11-17
First Named Inventor	Gerald Cagle
Art Unit	1618
Examiner Name	Fay, Zohreh A.
Attorney Docket Number	007109.00001

/ZF/	23	PTX0364: Excerpts from Alcon Laboratories Notebook # 10901 (AL010-001000-001065) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	24	PTX0365: Excerpts from Alcon Laboratories Notebook # 11030 (AL010-002000-002025) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	25	PTX0366: Excerpts from Alcon Laboratories Notebook # 13247 (AL010-003000-003059) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	26	PTX0386: Robertson et al., Absorption and Distribution of Moxifloxacin, Ofloxacin and Gatifloxacin into Ocular Tissues and Plasma Following Topical Ocular Administration to Pigmented Rabbits (2004 ARVo Poster) (AL009-000001) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	27	PTX0399: Letter from Alcon to Bayer requesting shipment of 10 grams of Moxifloxacin (AL001-004147) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	28	PTX0402: Moxifloxacin screening agreement between Bayer and Nestle (AL001-004148-004154) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	29	PTX1063: Excerpt of Physicians' Desk Reference 53rd Edition 1999: Alcon Ciloxan in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	30	PTX1065: Alcon's Research Compound Request for BAY 12-8039 (AL001-003945) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	31	PTX1066: Weekly Status Report of Moxifloxacin Evaluation (AL001-000214-000215) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	32	PTX1098: Petersen, U., et al., "Synthesis and In Vitro Activity of BAY 12-8039, a New 8-Methoxyquinolone," (BL005-019300) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
↓	33	PTX1099: Excerpt Opinion on Investigational Drugs, Zurenko et al., "Oxazolidinone antibacterial agents: development of the clinical candidates eperezolid and linezolid, pgs. 151-159 in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	10715055
Filing Date	2003-11-17
First Named Inventor	Gerald Cagle
Art Unit	1618
Examiner Name	Fay, Zohreh A.
Attorney Docket Number	007109.00001

/ZF/	34	PTX1116: Alcon Data: Ex Vivo Corneal Penetration of Fluoroquinolones (AL007-038115-116) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	35	PTX1117: Solomon et al., Penetration of Topically Applied Gatifloxacin 0.3%, Moxifloxacin 0.5%, and Ciprofloxacin 0.3% into the Aqueous Humor, Ophthalmology 112 (3): 466-469 (March 2005) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	36	PTX1119: Alcon Data: corneal Perfusion Chambers-Moxifloxacin Rate of Diffusion (Flux) (AL007-038117-038120) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	37	PTX1124: Dalhoff et al., In vitro Activity of BAY 12-8039, New 8-Methoxyquinolone, Chemother., 42:410-25 (1996) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	38	PTX1125: Schmitz et al., Relationship between Ciprofloxacin, Ofloxacin, Levofloxacin, Sparfloxacin and Moxifloxacin (BAY 12-8039) MICs and Mutations in grlA, GrIB, gyrA and gyrB in 116 Unrelated Clinical Isolates of Staphylococcus aureus, J. Anti. Chem., 41:481-84 (1998) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	39	PTX1126: Search Results: Table of contents, J. Antimicro. Chem., 41(4) (1998) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	40	PTX2018: Powerpoint slide - Person of Ordinary Skill for the '830 Patent in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	41	PTX2019: Powerpoint slide - Requirements in 1998 for New Ophthalmic Compositions in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	42	PTX2021: Powerpoint slide - Moxifloxacin Flux at Different Concentrations in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	43	PTX2025: Powerpoint slide - Other Quinolones in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
✓	44	PTX2030A: Powerpoint slide - Anterior Segment of the Eye in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	10715055
Filing Date	2003-11-17
First Named Inventor	Gerald Cagle
Art Unit	1618
Examiner Name	Fay, Zohreh A.
Attorney Docket Number	007109.00001

/ZF/	45	PTX2030B: Powerpoint slide - Tear Film in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
↓	46	PTX2030C: Powerpoint slide - Cornea in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	47	PTX2030E: Powerpoint slide - Aqueous Humor in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	48	PTX2030F: Powerpoint slide - Aqueous Humor in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	49	PTX2030G: Powerpoint slide - Aqueous Turnover in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
↓	50	PTX2030H: Powerpoint slide - Some Compounds Are Maintained Longer in the Aqueous Humor in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

**EXAMINER SIGNATURE**

Examiner Signature	/Zohreh Fay/ (09/16/2009)	Date Considered	
--------------------	---------------------------	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.